

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6263

BILL NUMBER: HB 1251

NOTE PREPARED: Feb 25, 2003

BILL AMENDED: Feb 25, 2003

SUBJECT: Background Checks for Family and Social Services Employees.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill requires the Office of the Secretary of Family and Social Services (FSSA) to ensure that all new employees who work with vulnerable populations undergo a national criminal history check, a limited criminal history check, and a sex offender registry check. Fees charged for the checks are to be paid by the new employee. The bill requires existing employees who work with vulnerable populations to undergo a limited criminal history check and sex offender registry check by December 31, 2005. The bill also prohibits the State Police Department from charging FSSA for the limited criminal history checks.

Effective Date: (Amended) July 1, 2003.

Explanation of State Expenditures: (Revised) This bill requires FSSA to conduct criminal history and sex offender checks of all employees who work with a vulnerable population. This bill has separate requirements for employees hired prior to July 1, 2003, and those hired after this date. FSSA is required to conduct a limited criminal history check and a sex offender registry check on all employees that work with a vulnerable population prior to December 31, 2005. In addition FSSA must also conduct a national criminal history check on all new employees who work with a vulnerable population and are hired after July 1, 2003 - employees are responsible for paying for the cost associated with this provision.

This bill would require approximately 5,800 limited criminal history checks and 8,800 sex offender registry checks of FSSA employees. FSSA does not currently conduct sex offender registry checks. The FSSA currently requires limited criminal history checks on employees in the following areas constituting approximately 3,000 employees (FSSA would not be required to rerun limited criminal history checks for these employees):

- Division of Family and Children - Family Case Managers, Family Case Supervisors, Public Assistance Caseworkers, Homemakers, Local DFC Office Directors.
- Bureau of Developmental Disability Services - Program Coordinators and Directors.
- Vocational Rehabilitation - Vocational Rehabilitation Counselors and Supervisors.
- Division of Mental Health and Addiction/Division of Disability, Aging, and Rehabilitative Services - all employees of DMHA and DDARS facilities.

FSSA would experience reduced ongoing expenditures associated with those positions that criminal history checks are already performed, due to the free electronic access to information. The extent of these savings is dependent upon turnover rate associated with these positions. Limited criminal history checks for current employees who do not currently have one on file would be performed by FSSA staff.

The FSSA does not currently require sex offender registry checks of employees. This bill requires the agency to conduct sex offender registry checks on all current and future employees that work with vulnerable populations. The FSSA currently employs 10,076 staff, however, checks would be required for only approximately 8,800 employees. The FSSA should be able to absorb the cost of administering this provision given current staff and resources, and the fact that the agency has free electronic access to perform limited criminal background checks and the sex offender registry.

Background: The State Police conducted a total of 265,278 limited criminal history checks last year. Of these, 48,525 were for state agencies. The State Police charge \$3 to view a limited criminal history check and \$7 for a limited criminal history check report for each employee. National criminal history checks cost \$34; of this, \$24 is passed through to the federal government.

Explanation of State Revenues: (Revised) The State Police will receive additional revenues for performing national criminal history checks of new FSSA employees. These checks cost \$34 each, of which the State Police pass \$24 through to the Federal Bureau of Investigation. The remaining \$10 is deposited in the state General Fund and is associated with the finger print-based full statewide criminal history check performed by the State Police. Total revenue collected is dependent upon the number of full statewide criminal history checks performed for new employees and is dependent upon FSSA staff turnover in the positions affected.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Administration, Indiana State Police.

Local Agencies Affected:

Information Sources: Les Miller, Special Counsel, Indiana State Police, 317-232-8317; Captain Jimmie Durnil, Records Division, Indiana State Police, 317-232-8265; Amy Kruzan, Legislative Director, FSSA, 317-232-1149.

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